



CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 1, 2005

ITEM NUMBER:

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.

DATE: OCTOBER 20, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

RECOMMENDATION:

Give first reading to the attached ordinance.

BACKGROUND/ANALYSIS:

On October 18, 2005, City Council continued this ordinance so it can be modified to address temporary fences that are required by the City and temporary fences that are installed by a property owner voluntarily. Council also directed staff to include a requirement for a building permit and opaque screening when chain link fencing is used.

To review your requested changes in context of the existing regulations for vacant properties, please see Exhibit 1, which shows the amended text with underlines and strike-outs. In respect to the use of opaque screening materials on chain link fences, the Police Chief has indicated that he does not have any concerns if Council wants to include this standard for vacant properties.

Please see attached City Council agenda report from the October 18, 2005 meeting for additional background and analysis.

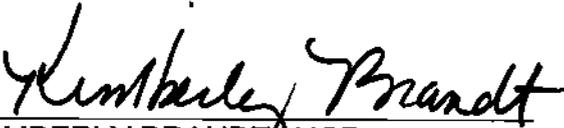
ALTERNATIVES CONSIDERED:

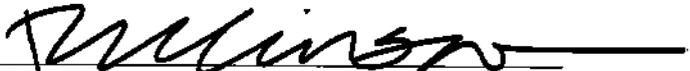
Council may choose to:

1. Modify the ordinance in respect to any of the recommended changes to the Property Maintenance Regulations; or
2. Retain the City's existing regulations.

CONCLUSION:

The attached ordinance modifies the City's regulation of temporary fencing on vacant properties by requiring the fencing to be maintained in good repair, the issuance of a building permit, and the addition of opaque screening material when chain link fencing is used.


KIMBERLY BRANDT, AICP
Principal Planner


DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager
City Attorney
Deputy City Manager – Dev. Svs. Director.
Police Chief
Public Services Director
Building Official
Chief of Code Enforcement
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Exhibit 1
2 Ordinance
3 City Council agenda report

File Name: 110105TemporaryFences	Date: 101905	Time: 1:00 p.m.
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ARTICLE 3. MAINTENANCE STANDARDS FOR VACANT PROPERTIES

Sec. 20-9. Standards for vacant real property.

(a) **Mandatory standards.** All vacant real property in the city shall be secured and maintained at a level not less than the following standards during the time period that such property remains vacant real property:

- (1) **Graffiti.** All structures, equipment, walls, and fencing on the property shall be maintained free of graffiti pursuant to Chapter VII½ of Title 11.
- (2) **Rubbish, litter and weeds.** All landscaped, concrete, dirt, or paved open areas on the real property and adjoining public parkway shall be kept clear of rubbish, litter, and weeds.
- (3) **Temporary fencing.** Unless required in subsection (b)(2), the installation of temporary fencing is not mandated. A building permit is required for any temporary fencing installed by a responsible party. The Planning Division shall review the fence location and material(s), and chain link fencing shall only be used in conjunction with an opaque screening material. The responsible party shall maintain the fence in good repair and condition. If the fence is not maintained properly, the Building Official or Fire Chief may order its removal and replacement.

The fence may be properly posted with no trespassing signs, and the fence shall be kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing.

(b) **Additional standards.** When deemed necessary by the Fire Chief or Building Official, and/or in order to maintain the safety of persons or property, the following standards may also be imposed:

- (1) **Access points.** All windows, doors, and other open access features to the structures on the real property shall be boarded up and secured in compliance with the standard attached as Exhibit A to the ordinance adopting this title. All boards visible from the building's exterior shall be painted to match the building's exterior.
- (2) **Temporary Fencing.** The property shall be fenced on all sides along the property line with a chain link fence or other type of secure fencing at a minimum height of 6 feet from grade. ~~or greater, as determined by The Fire Chief or Building Official may determine a greater fence height is necessary. The fence shall be properly posted with no trespassing signs, and kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing. The temporary fence shall require a building permit and be subject to the standards in subsection (a)(3).~~
- (3) **Security lighting.** All structures which could be used for human habitation shall have an operable and effective exterior security lighting system. The front and rear yards shall each be illuminated with a minimum of one light. The lighting shall be capable of illuminating the structure's exterior so as to be visible from the street or alley from dusk to dawn. However, the lights shall be shielded to avoid lighting adjacent properties.

Sec. 20-10. Compliance responsibility.

Compliance with the standards contained in this article shall be at the sole cost of the responsible party for the vacant real property and shall not limit the remedies or recovery of costs for the abatement of any vacant real property found to be in violation by city council or its designee pursuant to this Code.

ATTACHMENT 2

ORDINANCE

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY FENCING ON VACANT PROPERTIES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 20 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 20-9 to include subsection (a)(3) as follows:

“(3) Temporary fencing. Unless required in subsection (b)(2), the installation of temporary fencing is not mandated. A building permit is required for any temporary fencing installed by a responsible party. The Planning Division shall review the fence location and material(s), and chain link fencing shall only be used in conjunction with an opaque screening material. The responsible party shall maintain the fence in good repair and condition. If the fence is not maintained properly, the Building Official or Fire Chief may order its removal and replacement.

The fence may be properly posted with no trespassing signs, and the fence shall be kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing.”

b. Amend Section 20-9(b)(2) as follows:

(2) **“Temporary fencing.** The property shall be fenced on all sides along the property line with a chain link fence or other type of secure fencing at a minimum height of 6 feet from grade. or greater, as determined by The Fire Chief or Building Official may determine a greater fence height is necessary. The fence shall be properly posted with no trespassing signs, and kept clear of all other signs, except lawfully installed real estate signs for the lease or sale of the property and signs identifying ownership of the property or fencing. The temporary fence shall require a building permit and be subject to the standards in subsection (a)(3).”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent

of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ATTACHMENT 3
CITY COUNCIL AGENDA REPORT



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS
REPORT, PLEASE CONTACT THE CITY CLERK'S
OFFICE AT (714) 754-5121**